IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9177 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAJESH PRABHUDAS PARMAR

Versus

FAMILY COURT

Appearance:

1. Special Civil Application No. 9177 of 2002

MR KS JHAVERI for Petitioner No. 1

MR PARESH UPADHYAY for Respondent No. 1

MR.SUBHASH G BAROT for Respondent No. 2

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 17/10/2002

ORAL JUDGEMENT

1. Rule. Mr. Paresh Upadhyaya, learned advocate appears and waives the service of notice of rule on behalf of respondent No.1 whereas Mr. Subhash G. Barot, learned advocate appears and waives the service of notice of rule on behalf of respondent No.2.

2. By means of filing this petition under Article 226 of the Constitution petitioner has ventilated his grievance mainly against the Registrar, Family Court, Ahmedabad for not accepting his application Annexure D to the petition seeking the relief of engaging an advocate.

3. Mr. Paresh Upadhyaya, learned advocate who appears on behalf of respondent No.1 at the out set makes a statement that if the petitioner files an application afresh seeking relief of engaging an advocate to represent his case in C.M.A. No.28 of 2002 pending in the Family Court, Ahmedabad, the same shall be considered by the Family Court in accordance with law.

4. In view of the aforesaid statement made by Mr. Upadhyaya, the petitioner is directed to file an application afresh seeking the relief of engaging an advocate to represent his case in C.M.A. No.28 of 2002 pending in the Family Court, Ahmedabad and if such an application is filed, the learned Judge of the Family Court shall decide the same in accordance with law after giving an opportunity of hearing to the petitioner as well as to respondent No.2.

5. With the aforesaid observations made and directions, the petition stands disposed of with no order as to costs. Rule is made absolute to the aforesaid extent. Ad-interim relief stands vacated.

(A.M. Kapadia, J.)

(karan)